

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 365 OF 2002

MS.PADMAJA ALIAS RANJANA
BHAKTA,MAPUSA-GOA.

....Petitioner

Versus

MR.RAMESH DAMODAR
BHAKTA,PORVORIM-GOA.

....Respondent

Mr.J.E. Coelho Pereira, Sr. Advocate with Mr.V. Korgaonkar, Advocate for the petitioner.

Mr. M.S. Usgaonkar, Sr. Advocate with Mr.Iftikar Agha, Advocate for the respondent.

Coram:- DR. S. RADHAKRISHNAN, J.

Date:- 4th October, 2006

P.C.

Heard the learned Senior Counsel for the petitioner and the respondent. Perused the affidavit filed by the petitioner dated 3.10.2006 for a relief under section 24 of Civil Procedure Code r/w 151 of Civil Procedure Code.

Heard the learned Senior Counsel for sometime.

Both the learned Senior Counsel for the petitioner and the respondent are agreeable for expeditious hearing of Regular Civil Suit No.150/2000 pending before the learned Civil Judge Junior Division, Mapusa.

Both the parties are also agreeable for expeditious hearing of Matrimonial Petition No.56/99 pending before the Civil Judge Senior Division, Mapusa.

Both the parties are also agreeable for both the Matrimonial Petition No.56/99 as well as Regular Civil Suit No.150/2000 being heard by learned Civil Judge Senior Division "A" Court, Mapusa. Under the aforesaid facts and circumstances hearing of both Matrimonial Petition No.56/99 as well as Regular Civil Suit No.150/2000 are expedited. The very same learned Civil Judge Senior Division of "A" Court Mapusa to hear both the above proceedings as expeditiously as possible preferably within a year from today.

The learned Civil Judge Senior Division, Mapusa shall record evidence separately in both the above matters, and decide both the matters separately.

Both the parties are agreeable to the interim relief granted by this Court on 22.9.2000 in Mics. Civil Application No.643/2002, in Writ Petition No.365/2002 to operate till the disposal of Regular Civil Suit No.150/2000. Needless to state that the learned Civil Judge Senior Division, Mapusa while deciding both the above matters will not be influenced by the observations made by the learned District Judge, North Goa in Misc. Civil Appeal No.15/2001 dated 14.10.2002 and decide the matter strictly on its own merits totally being uninfluenced by the observations of the learned District Judge.

The learned Civil Judge Senior Division, Mapusa should pass separate judgments in both the above matters as separate evidence is being recorded.

The above Writ Petition stands disposed of accordingly.

DR. S. RADHAKRISHNAN, J.

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